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Response to Office Action  
Mailed August 22, 2005

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## REMARKS

The Office Action of July 22, 2005 and the prior art cited therein has been studied. In response, selected claims have been amended and others resubmitted without alteration. Reexamination and reconsideration of the claims in light of the following arguments in support of patentability are respectfully requested.

The amendments to claims 1 and 10 provide proper antecedent basis in response to the §112 rejection.

Regarding the §102(a) rejection of claim 10 based on Hayes, et al. (U.S. Patent No. 6,946,063), it appears there is a misunderstanding of the disclosure of the Hayes '063 patent. The Examiner states that "Hayes et al provide a means and method for attaching tabs to can openings."

Actually, referring to Figs. 1, 2, and 3 of Hayes et al., the central panel 11 in the metal can end 10 is an integral part of the end and is defined by partial score lines 14 (see Fig. 2, at the left side perimeter of the can end and near the center under tab 16 and its rib 23). Please note the description of area 15 which "is to be torn away from the can end to form an aperture" at column 5, lines 38-39.

Actually, the Hayes, et al. invention differs from the well known Easy Open can end construction in that the pull tab is connected to the "tear out" panel 15 (reference numeral not shown in Figs. 1—3) by "welding", either chemical or thermal bonding. This attachment replaces the well known integral rivet which is widely used in the Easy Open ends.

Quite to the contrary, the present invention provides a first set of cooperating upper and lower tooling sets which operate on a can end shell to form it, including creation of a pour opening (see Figs. 12 and 14 of the drawings). Then, the second set of cooperating upper and lower tooling sets blanks out a foil tab and adhere the foil tab to the can end exterior (upper surface) over the pour opening (see Figs. 13 and 15 of the drawings).

This is an entirely different system than what is disclosed in Hayes '063 patent, and that prior art disclosure cannot be used in combination with the disclosure of

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Cook '853 without major reconstruction that would not be apparent to a person of ordinary skill in this art.

Thus, it is submitted that the §102 rejection is improper and without basis in fact. For the same reasons, the §103(a) rejection of claims 1-3 and 11 as unpatentable over Cook '853 in view of Hayes '063 is not proper.

Neither reference relates to the forming of a pour opening in a can end panel and then covering that opening with an adhered tab. The references simply lack, and do not even address, the invention defined in claims 1-3 and 11 as now presented. These claims should be allowed.

The other cited reference Song, U.S. Patent No. 6,390,749, discloses a can end fitted with the Easy Open detachable tab in a can end panel, and the addition of an opening/closing device (rotatable cover 130) to the can end. This reference was not relied upon, and appears to be only of general interest. It does not disclose, nor is it relevant to, a can end pour opening sealed with a foil tab.

As such, the claims now define over the prior art and any fair teaching attributable thereto. In the absence of more pertinent art, the application is in condition for allowance. Since all formal and informal matters have been addressed, early notice of allowance is requested.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & MCKEE, LLP

*Timothy E. Nauman*  
\_\_\_\_\_  
Timothy E. Nauman  
Reg. No. 32,283  
1100 Superior Avenue - 7th Floor  
Cleveland, Ohio 44114-2518  
Telephone (216) 861-5582  
Facsimile (216) 241-1666

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